

1 Ramon Rossi Lopez - rlopez@lopezmchugh.com
(California Bar Number 86361; admitted *pro hac vice*)
2 Lopez McHugh LLP
100 Bayview Circle, Suite 5600
3 Newport Beach, California 92660
949-812-5771

4 Mark Stephen O'Connor (011029) – mark.oconnor@gknet.com
5 Gallagher & Kennedy, P.A.
2575 East Camelback Road
6 Phoenix, Arizona 85016-9225
602-530-8000

7 *Counsel for Plaintiff*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF ARIZONA

10
11 In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

12 **PLAINTIFF'S MOTION TO SEAL JOINT**
13 **STIPULATION AND ORDER**
14 **REGARDING MOTIONS *IN LIMINE***

15
16 In accordance with Section 25 of the Stipulated Protective Order [Doc. 269],
17 Federal Rule of Civil Procedure 26(c)(1)(G), and Local Civil Rule 5.6, Plaintiff moves
18 this Court for an Order sealing the Joint Stipulation On Motions *In Limine* [9861] and the
19 corresponding Order [10235]. The Joint Stipulation and Order contain personal healthcare
20 information regarding the Plaintiff that is protected under HIPAA and confidential under
21 the Stipulated Protective Order, warranting protection from public disclosure.

22 Plaintiff's personal healthcare information is protected under the Privacy Rule of
23 the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R.
24 § 160, 164(A) & (E), as well as several state-law privileges. The knowing disclosure of
25 such information is prohibited by 42 U.S.C. § 1320d-6. This Court has already granted the
26 filing under seal of the same (or similar) information when the parties submitted their
27 respective bellwether submissions. [See Doc. 4366].
28

1 Accordingly, Plaintiff requests the Court order the Joint Stipulation On Motion *In*
2 *Limine* [9861] and the corresponding Order [10235] be sealed pending final determination
3 of confidentiality.

4 RESPECTFULLY SUBMITTED this 6th day of March, 2018.

5 GALLAGHER & KENNEDY, P.A.

6 By: /s/ Mark S. O'Connor

7 Mark S. O'Connor

8 2575 East Camelback Road

9 Phoenix, Arizona 85016-9225

10 LOPEZ McHUGH LLP

11 Ramon Rossi Lopez (CA Bar No. 86361)

12 (admitted *pro hac vice*)

13 100 Bayview Circle, Suite 5600

14 Newport Beach, California 92660

15 *Counsel for Plaintiff*

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on this 6th day of March 2018, I electronically transmitted the
18 attached document to the Clerk's Office using the CM/ECF System for filing and
19 transmittal of a Notice of Electronic Filing.

20 /s/ Gay Mennuti